

REMARKS

This is in response to the Office Action that was mailed on August 25, 2003. Claims 11, 12, 17, 18, 21, and 24 are cancelled, without prejudice to their subject matter and without prejudice to their reassertion in this or a continuing application. The remaining claims are amended, without the introduction of new matter, to present them in better condition for examination on the merits in this application. Claims 1-10, 13-16, 19, 20, 22, 23, and 25-28 are in the application.

Restriction was required amongst:

Group I, claims drawn to peptides and pharmaceutical compositions;

Group II, claims drawn to methods for preventing or treating undesired angiogenesis; and

Group III, claims drawn to methods for preventing or treating primary tumor growth or metastasis.

Applicants elect the invention of Group I, with traverse. In support of the requirement for restriction, the Examiner argues that the Peptides of Group I can be used for two materially different purposes, stating that a method for preventing undesired angiogenesis is not the same as a method for treating tumor growth, and vice versa. Actually, in this case, the method for treating tumor growth is a species of the method for preventing undesired

angiogenesis. The claims have been amended to make this relationship clearer. Accordingly, the Examiner is respectfully requested to withdraw the requirement for restriction between Groups I-III.

In response to the requirement for election of a single peptide sequence, Applicants elect the sequence of SEQ ID NO:30, with traverse. Applicants respectfully maintain that it would not be unduly burdensome on the Examiner to examine the related claimed sequences along with the sequence of SEQ ID NO:30.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If there are any outstanding issues, however, the Examiner is invited to telephone Richard Gallagher (Reg. No. 28,781) at (703) 205-8000 in an effort to expedite prosecution.

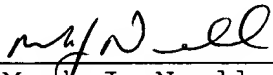
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to debit Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §1.16 or §1.17,

Serial No. 09/766,412
Docket No. 1781-215P
Group Art Unit 1653
Page 9

particularly extension of time fees, or to credit said Deposit Account for any overpayment of fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Mark J. Nuell
Reg. No. 36,623

1781-215P

DRN:RG:rk



P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000